IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Thursday, the Ninth day of September, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 20885 OF 2003

Between:

K.Somanna S/o K.Narsappa, aged 51 years, Secretary, Koilakonda PACS, Krishnagiri Mandal, Kurnool District.

Petitioner

And

1. The Divisional Co-operative officer, Kurnool, Kurnool District.
2. The Sub-Divisional Co-op. Officer, Done, Kurnool District.
3. The Koilakonda PACS, Krishnagiri Mandal, Krunool District rep.by its Chairman/PIC.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents particularly the 1st respondent in issuing impugned proceedings Rc.No.12/2000-C, dated 2-2-2002, initiating

proceedings for recovery of salaries drawn by the petitioner as per Government Memo dated 14-10-1991 inspite of Judgment of this Court in W.P.No.3706/2002, dated 11-9-2002 as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and consequently set aside the same.

For the Petitioner: Mr.G.V.Shivaji, Advocate,

For the Respondents 1 and 2: G.P., for Cooperation and Agriculture.

For respondent No.3 Notice not yet returned served.

The Court made the following :

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ORDER:

The learned counsel appearing for the petitioner submits that the petitioner is the Secretary of the third respondent Primary Agricultural Co-operative Society. He questions the order of the second respondent dated 2-2-2002, which was issued for recovery of certain excess salary said to have been drawn by the petitioner. It is stated that the said order do not disclose what is the quantum of the pay fixed and payable to the petitioner.

Even without fixing any pay scale as contemplated under Section 116-C of the Andhra Pradesh Co-operative Societies Act, the so-called recovery is illegal and unsustainable as held by the Division Bench of this Court in the Case of **Government of Andhra Pradesh Vs., A.P. State Co-operative Societies Secretaries and Employees Union and others** (2004(2) ALD 273).

Following the aforesaid Judgment, the Writ Petition is disposed of. No

order as to costs.

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V.ESWARAIAH,J

Dt.09-09-2004.

Shr.

Asst. Registrar.

Copies to:

1. The Divisional Co-operative officer, Kurnool, Kurnool District.
2. The Sub-Divisional Co-op. Officer, Done, Kurnool District.
3. The Koilakonda PACS, Krishnagiri Mandal, Krunool District rep.by its Chairman/PIC.
4. Two CCS., to the G.P., for Cooperation and Agriculture, High Court Buildings, Hyderabad (OUT).
5. Two CD Copies.